

EX PARTE ORIGINATED

ORIGINAL

FILE

Dockets
Rm 722

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

10 FEB 1993

IN REPLY REFER TO:

7330-/1700A3

RECEIVED

FEB 12 1993

COMMUNICATIONS SECTION
FEDERAL BUREAU OF INVESTIGATION

Honorable Joel Hefley
House of Representatives
2442 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hefley:

This is in reply to your letter of January 28, 1993, in which you inquired on behalf of your constituent, Kenneth R. Polley, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. Polley is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

Honorable Joel Hefley

2.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituents' concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due February 26, 1993, and Reply Comments are due April 14, 1993. We expect final rules to be issued near the end of 1993. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,

Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:
Incoming correspondence
Notice
Discussion paper

cc:
Chief, PRBureau
Chief, LM&M Division
Deputy Chief, LM&M Division
Lou Sizemore, Room 857
Docket Files, Room 222
Licensing Div., PRB, c/o Room 5202
P&P Branch Files

CNTL NO - 9300296

DFertig/RShiben:/rb/lm:PR
CONGRESS/9300296

Congressional

DIR 2-9-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/01/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300296	02/01/93	01/28/93	02/12/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Joel Hefley	BC

CONSTITUENT'S NAME	SUBJECT
Kenneth R Polley	info/comments on a docket

REF TO	REF TO	REF TO	REF TO
PRB/Lmm	<i>OSP</i>		

DATE	DATE	DATE	DATE
02/01/93			

REMARKS:

RECEIVED
FEB 2 2 52 PM '93
PRIVATE

01..28. 93 11:44 AM *WDC

P04

JOEL HEFLEY
COLORADO
FIFTH DISTRICT



COMMITTEES
ARMED SERVICES
SMALL BUSINESS
INTERIOR AND INSULAR AFFAIRS

Congress of the United States
House of Representatives
January 28, 1993

P RB
Revised
296

Ms. Lou Sizemore
Office of Congressional and Public Affairs
Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20554

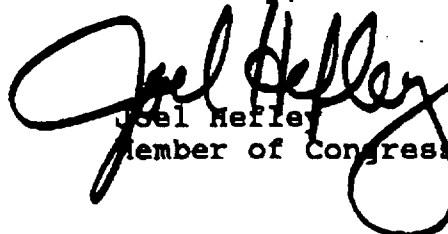
Dear Ms. Sizemore:

Enclosed please find your copy of a letter I recently received from Kenneth R. Polley requesting assistance in this situation.

Because of the desire of my office to be responsive to all inquiries, your consideration of the attached is requested. In particular, I would ask that the conflict of interest allegations be addressed.

Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated.

Sincerely,


Joel Hefley
Member of Congress

JH:lh

RECEIVED
FEB 2 7 52
PRIVATE

JAN 25 1993

632-5960

DOC #	_____
DATE	_____
AUTHOR	<u>LH</u>
CODES	_____
FILE NAME	_____

The Honorable Joe Hafley
U.S. House of Representatives
222 Canon House Office Bldg
Washington, D.C. 20515

16 January 1993

Dear Mr. Hafley:

I am a retired military person and derive many hours of enjoyment from constructing and operating radio-controlled model airplanes. I am very active in the local Pikes Peak Radio Control Club and personally own 12 radio systems and R/C models and a workshop full of other products necessary for the operation of operating my equipment. Within recent years we modelers have had to upgrade our radio equipment at considerable effort and costs due FCC frequency changes which came about to improve our number of frequencies and equipment reliability. Now we are informed that we may be forced once again to upgrade our equipment.

I am very concerned about the proposed rule that is currently under consideration by Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and will increase the risk of accidents and attendant liability.

Our radio-controlled frequencies are in the 72-76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio-controlled frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

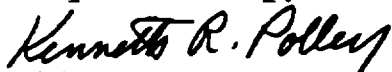
The Notice of Proposed Rule Making (NPRM) in PR Docket 92-235 replaces Part 90 of the rules with a new Part 88. Part 90 allows for safe use of R/C aircraft and surface models by keeping 10 KHz spacing between fixed commercial users and frequencies used by all R/C enthusiasts. The new Part 88 will allow mobile users on frequencies within 2.5 KHz of frequencies available to us, eliminating safe use of at least 31 of the 50 channels on the 72 MHz band (for R/C aircraft) and 10 of the 30 channels on the 75 MHz band (for R/C cars and boats) now used by hobbyists. In fact, more channels will likely be affected.

When we operate our R/C models, we go to great lengths to assure the safety of operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

I don't think it is wise of the FCC to seek to expand the operation conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have a considerable investment in our models and in our radio equipment. It is a sizeable industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me to continue the safe enjoyment of my pastime without having to once again upgrade equipments at high costs by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We all need your help urgently because the FCC has a deadline of February 26, 1993 after which it may become more difficult to avoid halting these proposals from going into effect.

Very Sincerely,



KENNETH R. POLLEY
1055 Wagon Wheel Ave.
Colorado Springs, CO 80915

Tele: (719) 596-2852